

19-APR-06

08:42

VON -Dreiss Patentanwaelte

+49 711 24893899

T-198 P.001/005 F-264

RECEIVED
CENTRAL FAX CENTER

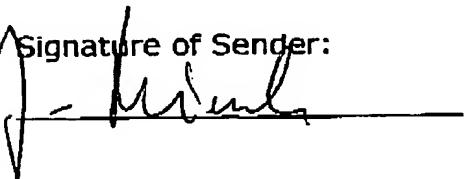
Certificate of Transmission

APR 19 2006

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No.: 571-273-8300) on

April 19, 2006. The communication includes 5 pages.

Signature of Sender:



Name of Sender:

JOSEF STEIMLE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SCHNEIDER, Willi) Examiner:
Application No.:	10/501,550) TRIEU, T.
Filing Date:	July 16, 2004) Art Unit:
For:	ROTATIONAL PUMP) 3748

Docket No.: 2104 0092US

**TRANSMITTAL LETTER IN RESPONSE TO
RESTRICTION/ELECTION REQUIREMENT**

Commissioner for Patents
Alexandria, VA 22313-1450
U.S.A.

Transmitted herewith is a response to a restriction/election requirement in the above identified application.

- (X) No additional fee is required.
() The fee has been calculated as shown below:

S.N. 10/501,550 filed July 16, 2004

SCHNEIDER, Willi

Atty. Docket: 2104 0092US

CLAIMS AS AMENDED

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Number Extra	Rate	FEE
Total claims	16	-	20	X	x\$50	0
Independent claims	1	-	3	X	x\$200	0
Multiple dependent claim added					\$360	0
					TOTAL\$	0
() If small entity, then divide total fee by 2					SMALL ENTITY TOTAL \$	0

- () A Petition for Extension of time under 37 CFR 1.136(a)
- () Please charge Deposit Account Number 50-1030 in the amount of \$ for the Extension fee.
- (X) The Commissioner is hereby authorized to charge payment of fees associated with this communication or credit any overpayment to Deposit Account Number 50-1030.
- (X) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- () Return Postcard Receipt

Respectfully submitted

Paul VincentDr. Paul Vincent
Reg. No. 37,461April 14, 2006

Date

Dreiss, Fuhlendorf, Steinle & Becker
Patentanwälte
Postfach 10 37 62
D-70032 Stuttgart
Federal Republic of Germany
Telephone: ++49/711-24 89 38-0
Fax: ++49/711-24 89 38-99

19-APR-06 08:43

VON -Dreiss Patentanwaelte

+49 711 24893899

T-108 P.003/005 F-264

RECEIVED
CENTRAL FAX CENTER
APR 19 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SCHNEIDER, Willi) Examiner:
Application No.:	10/501,550) TRIEU, T.
Filing Date:	July 16, 2004) Art Unit:
For:	ROTATIONAL PUMP) 3748

Docket No.: 2104 0092US

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
USA

This communication is in response to the Office Action mailed in the subject patent application requiring Restriction/Election. The Applicant hereby elects the invention associated with figures 1 through 5. The claims reading on this embodiment are 17 through 25 and 32.

This election is made **with traverse**. The traverse is based on the following arguments.

The Applicant respectfully disagrees with the Examiner's assessment that only claim 17 is generic. In fact, claims 17, 18, 19, 20, 22, 24 and 32 are all generic to the embodiments of figures 1 through 13.

The Applicant respectfully disagrees with the manner in which the Examiner has applied the principles of unity invention in this case, since the requirement does not conform with the PCT rules and articles as adopted by the US PTO. The Examiner's attention is referred to MPEP 1893.03(d). This section of the MPEP clearly states that unity of the invention considerations during the national stage are to be performed using the same procedures applied throughout all stages of an international application and refers specifically to MPEP § 1850 for a detailed discussion thereof. However, MPEP § 1850 II clearly states that unity of the invention can only be considered with regard to independent claims and not to dependent claims, regardless of whether or not the dependent claims are directed to further inventions. The only case in which one independent claim and a plurality of dependent claims can lead lack of unity of invention is through an a posteriori consideration of prior art in which the prior art negates the patentability of the independent claim, thereby requiring amendments which would strip the invention of its unity of invention structure. However, the Examiner has not applied prior art in the requirement. Moreover, the international search report indicates only background prior art of category A which clearly do not jeopardize the patentability of the independent claim.

The Examiner is therefore respectfully requested to withdraw the requirement with regard to unity of invention and to examine all claims of record.

19-APR-06 08:43

VON -Dreiss Patentanwälte

+49 711 24883899

T-198 P.005/005 F-264

3

Respectfully submitted,

Paul Vincent

Dr. Paul Vincent

Registration number 37,461

April 14, 2006

Date

Dreiss, Fuhlendorf, Steinle & Becker
Patentanwälte
Postfach 10 37 62
D-70032 Stuttgart
Federal Republic of Germany
Telephone: ++49/711-24 89 38-0
Fax: ++49/711-24 89 38-99